



# **COTTONWOOD HEIGHTS**

## **PLANNING COMMISSION STAFF REPORT**

**MARCH 18, 2009**



## COTTONWOOD HEIGHTS PLANNING COMMISSION AGENDA

Notice is hereby given that the Cottonwood Heights Planning Commission will hold a **Regularly Scheduled Meeting** beginning at **7:00 p.m. on Wednesday, March 18, 2009**, in the Cottonwood Heights City Council Chamber located at 1265 East Fort Union Blvd., Suite 250 (work session) and Suite 300 (business meeting), Cottonwood Heights, Utah.

**5:45 p.m. WORK SESSION (suite 250)**

**7:00 p.m. BUSINESS MEETING (suite 300)**

**1.0 WELCOME/ACKNOWLEDGEMENTS – Chairman**

**2.0 CITIZEN COMMENTS**

*(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting)*

**3.0 PUBLIC HEARINGS**

**3.1** The Planning Commission will hold a public hearing and receive comments on an application to amend the Zoning Map. The applicant, Rodney A. Newman, is proposing to change the zoning designation of one parcel from RR-1-43 (Rural Residential) to RR-1-29 (Rural Residential). This property is located at 1726 East Siesta Drive and is 1.65 acres.

**3.2** The Planning Commission will hold a public hearing and receive comments on an application to amend a conditional use permit for the St. Thomas More Catholic Church, located at 3015 East Creek Road. The applicant, David Fitzsimmons, is proposing to add a gymnasium, office space and classrooms to the existing church and school.

**3.3** The Planning Commission will hold a public hearing and receive comments on an application for an ordinance amendment. The applicant, Steve Hopkins, is proposing to add an overlay zone at the Old Mill Corporate Center to allow for a maximum building height of twelve stories.

**4.0 ACTION ITEMS**

**4.1** The Planning Commission will take action on an application by Eric Felt and the City for a general plan amendment on the west Highland Frontage Road between La Cresta Drive and 6850 South. The proposal is to change the land use designation to Residential Office.

**5.0 DISCUSSION ITEMS**

There are no discussion items on the agenda.

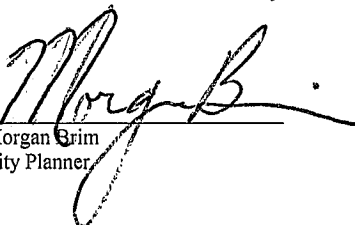
**6.0 PLANNING DIRECTOR'S REPORT**

**7.0 APPROVAL OF MINUTES**

**7.1** March 04, 2009

**8.0 ADJOURNMENT**

*On Friday, March 13, 2009, at 3:30 p.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Planning Department. A copy was also faxed or emailed to the Salt Lake County Council, Holladay City, Midvale City, Murray City, and Sandy City pursuant to Section 10-9-103.5 of the Utah Code. The agenda was also posted on the city internet website at [www.cottonwoodheights.utah.gov](http://www.cottonwoodheights.utah.gov)*

  
Morgan Grim  
City Planner



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## Item 2 – CITIZEN COMMENT

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**Issue:** \_\_\_\_\_

**Comments:**

**Issue:** \_\_\_\_\_

**Comments:**

**Issue:** \_\_\_\_\_

**Comments:**



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## Item 3.1: Zone Change Request – Newman Rezone

File Name: 09-007 Newman Zone Change Request  
Application Received: January 26, 2009  
Public Hearing Date: March 18, 2009  
County parcel Number: 2228452002  
Location: 1726 E Siesta Drive  
Development Area: 1.54 on 1 lots  
Request: Zone change from RR-1-43 to RR-1-29  
Owner/Applicant/Agent: Rodney A. Newman  
Staff: Morgan Brim, Associate Planner

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### **Purpose of Staff Report**

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any zone change request application. This report provides preliminary information regarding the zoning of the above noted parcel of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Zoning: RR-1-43 (19.17), RR-1-29 (19.18), Amendments and Rezoning (19.90) and the Cottonwood Heights General Plan.

### **Pertinent Issues Regarding this Development Application**

#### **Applicant's Request**

The applicant is requesting a zone change on one parcel from the rural residential one acre minimum RR-1-43 to the rural residential two thirds minimum RR-1-21 zone. The applicant wishes to subdivide the properties into two lots. The applicant wishes to have the zone changed to accommodate the desired subdivision.

#### **Neighborhood/Public Position on the Request**

At the time of this staff report, staff has not received any comments with regard to the requested zone change. A report will be given at the time of the meeting to further update the commission of any other concerns that may have been received. The public hearing was noticed as City code requires. A written notice was mailed to all property owners within 1000 feet of the applicant's property at least 10 days prior to the public hearing.

### **Staff Observations and Position on the Request**

**Staff has made the following observations:**

*Application*

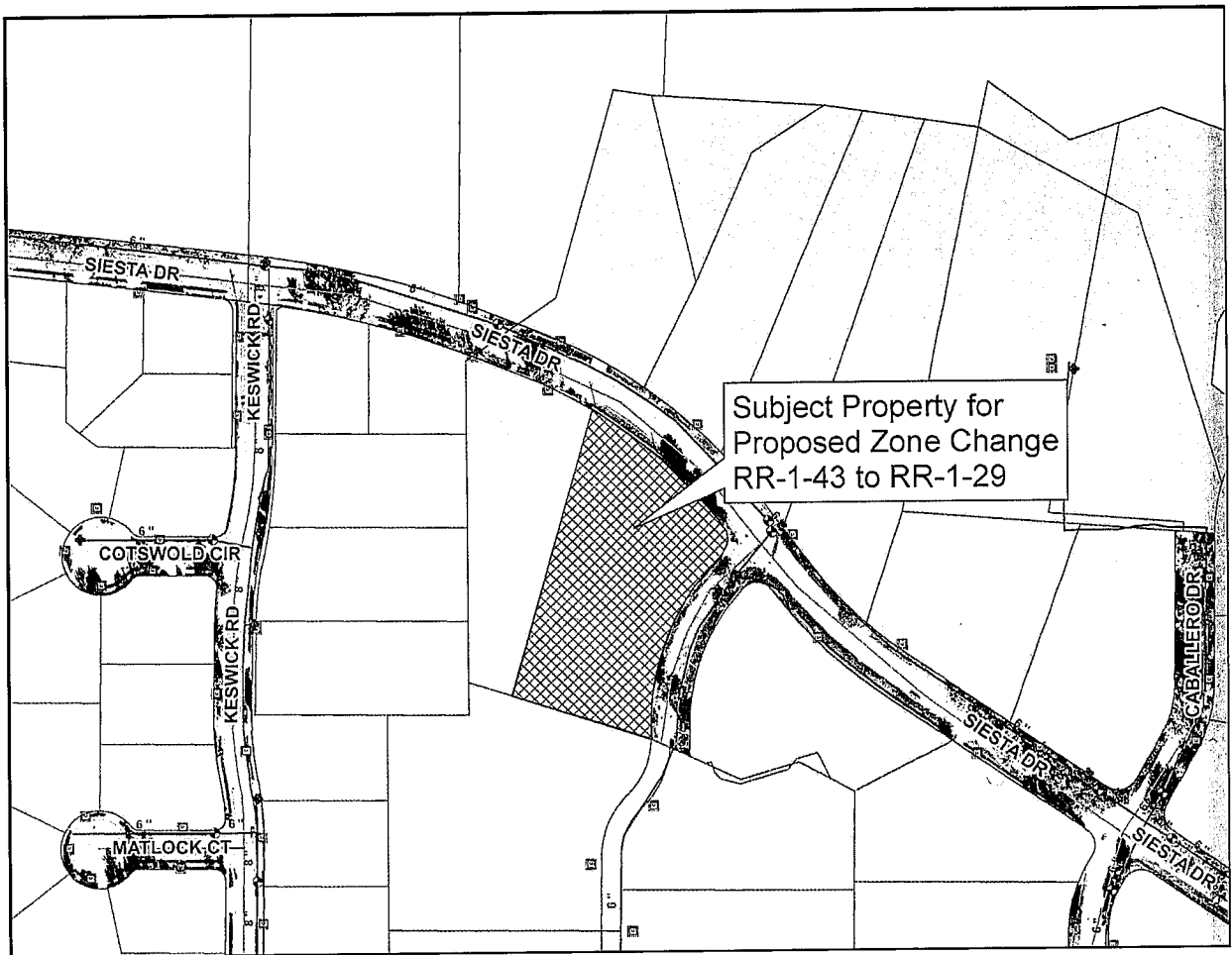
The applicant has submitted a complete application and paid the applicable fees.

*Site Layout*

The property is located on the southwest corner of Siesta Drive and Pheasant Wood Drive. This property is 1.54 Acres (67,082.4 square feet) in size. The dimensions of this parcel range from 380 feet at its greatest depth and 220 feet at its great width.

*Zoning*

The zoning of the properties is currently the rural residential one acre minimum RR-1-43 zone. The applicant is requesting a change to the two thirds acre minimum RR-1-29. Based on the minimum lot size for each zone, the applicant would be able to subdivide the property to create up to two lots with the proposed zone change. Staff does not feel that two two-third acre lots are appropriate for the area. The adjacent property to the south and west are zoned as RR-1-43. The property to the north across Siesta Drive and east across Pheasant Wood Drive are also zoned RR-1-43. All of the properties in this neighborhood are zoned for one acre (RR-1-43) lots.



#### *Zone Transition*

Staff feels that changing the zone of this parcel to RR-1-29 would not correlate well with the surrounding land uses. This parcel is located in the interior of an existing one acre minimum lot size neighborhood. If this parcel was located on the exterior of this neighborhood and abutted an equal or denser zone then it could function as a transition zone, but as it is proposed, staff feels that it is a wrong decision and is recommending denial.

#### *General Plan*

The definition of the rural residential land use designation under the current Cottonwood Heights general plan includes both RR-1-29 and RR-1-43. The requested zone change is appropriate under the definitions of the general plan. However, staff feels that there are other significant factors that should be considered with this zone change request and that those factors would present a possible detriment to the character and consistency of the surrounding neighborhood.

#### *Potential Future Uses*

The applicant wishes to subdivide the property, if the zone change is approved, and create two two-third acre minimum lots. If the request is not approved, the applicant may acquire more property to create two one acre parcels.

#### **Recommendation**

Based on the above information staff is recommending **denial** of this zone change.

#### **Standards of Review for the Application**

Based on statute (either state and/or municipal) the following standards apply when reviewing zone changes in the city of Cottonwood Heights:

Zoning – RR-1-29: Chapter 19.18

Zoning – RR-1-43: Chapter 19.17

Amendments and Rezoning: Chapter 19.90

Cottonwood Heights General Plan Land Use Map

#### **Staff Contact:**

Morgan Brim Associate Planner

Telephone: 944-7065

E-mail mbrim@cottonwoodheights.utah.gov

#### **List of Attachments:**

1. Map of Property
2. Public Notice



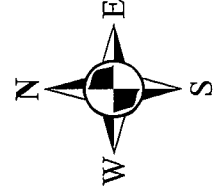
1726 E. Siesta Dr.  
Applicant is requesting to  
rezone property from  
RR-1-43 to RR-1-29  
(Rural Residential)

### Legend

### Neighbor Cities

City	
Holladay	
Midvale	
Murray	
Sandy	

City of Cottonwood Heights  
Planning Department  
1265 E. Fort Union Blvd., #250  
Cottonwood Heights, UT 84047  
(801) 944-7065



Published:  
February 04, 2009





COTTONWOOD HEIGHTS  
NOTICE OF PUBLIC HEARING  
ON A PROPOSED ZONE CHANGE

Notice is hereby given that Cottonwood Heights will hold a public hearing before the Planning Commission on March 18, 2009, to receive public comment on a request by Rodney A. Newman to rezone approximately 1.65 acres of property located at 1726 E. Siesta Drive, Cottonwood Heights, Utah, from RR-1-43 (Rural Residential) to RR-1-29 (Rural Residential). The proposed zoning would allow for one additional lot.

The hearing will be held at Cottonwood Heights City Offices, 1265 East Fort Union Blvd., Suite 300, at 7:00 p.m. or as soon thereafter as the matter can be heard. Inquiries should be directed to Morgan Brim at 944-7065.

Attest: Linda Dunlavy  
City Recorder





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## Agenda Item 3.2 Public Hearing - Conditional Use Amendment - Staff Report – St. Thomas More (3015 East Creek Road)

File Name:	St. Thomas More
Application Received:	January 06, 2009
Public Hearing Date:	March 18, 2009
Parcel Number:	2235176017 and 2235176010
Location:	3015 E. Creek Road
Development Area:	7.36 Acres
Request:	Conditional Use Permit Amendment
Owner/Applicant:	Roman Catholic Diocese of Salt Lake
Agent:	David R. Fitzsimmons, AIA
Staff:	Morgan Brim, Planner

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### **Purpose of Staff Report**

The conditional use ordinance adopted by the city of Cottonwood Heights (the “City”) requires City staff to prepare a written report of findings concerning any conditional use application. This report provides information considered to be preliminary regarding the development of the above noted parcel of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the R-1-8 Single Family Residential Zoning Ordinance (chapter 19.26), Off-Street Parking Ordinance (19.80), Signs Ordinance (19.82) and the Conditional Use Ordinance (chapter 19.84).

### **Pertinent Issues Regarding this Development Application**

#### **Applicant’s Request**

The applicant is requesting a conditional use permit amendment for the addition of a gymnasium, office space and classrooms to an existing school and church.

#### **Neighborhood/Public Position on the Request**

At the time of this report, staff has not received any comment from the public on this conditional use amendment request. Property owners within 500 feet of this property were mailed a notice with a project description, meeting time and location.

#### **Staff Observations and Position on the Request**

Staff has made the following observations:

##### Application

The applicant has submitted a complete application and paid the applicable fees. Staff, in return, has shown reasonable diligence in processing the application.

### Site Layout

The site is laid out in two separate adjacent parcels located on the north side of Creek Road. The applicant is proposing to consolidate the two parcels into one larger parcel. The dimensions of this parcel will range from 820 feet at its greatest width and 620 feet at its greatest depth. The coverage restriction for all buildings in this zone is 50%. The total site area is 327,195 square feet and existing structures cover 29,198 square feet about 8.9% of the total area. The applicant is proposing an additional 22,814 square feet of building coverage. The total of proposed and existing structure coverage would equal 52,012 square feet, about 15.8% of the combined parcels.

LAND USE TABLE	
TOTAL AREA	327,195 SQ. FT.
TOTAL EX. BUILDINGS	29,198 SQ. FT.
EX. MULTIPURPOSE	15,509 SQ. FT.
EX. RESIDENTIAL	3,494 SQ. FT.
EX. CHURCH	10,195 SQ. FT.
TOTAL PROP. BUILDING	22,814 SQ. FT.
TOTAL IMPERVIOUS	120,843 SQ. FT.
EX. IMPERVIOUS	82,751 SQ. FT.
PROP. IMPERVIOUS	38,092 SQ. FT.
TOTAL LANDSCAPE	154,340 SQ. FT.
EX. LANDSCAPE	139,295 SQ. FT.
PROP. LANDSCAPE	15,045 SQ. FT.
TOTAL PARKING STALLS	196 (10 ADA)
EX. PARKING STALLS	130 (6 ADA)
PROP. PARKING STALLS	66 (4 ADA)

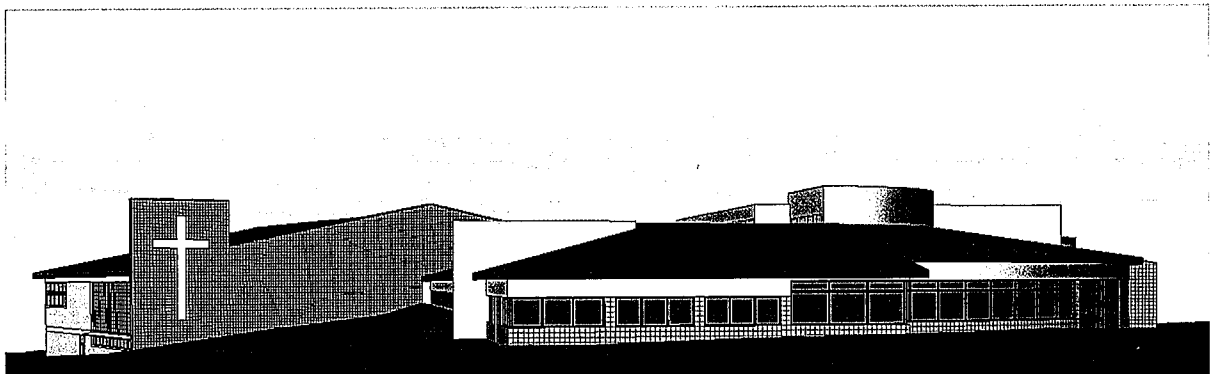
The applicant is proposing a total of 120,843 square feet of impervious surfaces, about 36.9% of the total area. Impervious surfaces include sidewalks, driveway, parking areas, all building footprints and exterior gathering areas. In total there is 154,340 square feet of existing and proposed landscaping, about 47.1% of the entire area.

The site is bordered on the north by two residential properties and a 1.66 acre parcel of open space. To the west, the property abuts the LDS Church and to the east by two residential properties. On the south the property abuts Creek Road. Directly across Creek Road to the south is located Finlandia residential subdivision. All of the surrounding property, including the project parcel, are zoned R-1-8 (Single Family Residential).

### Landscaping and Screening/Fencing

The proposed landscape plan with 47.1% landscaping coverage meets the requirements of the City's R-1-8 zone of 20% coverage.

Landscaping in this plan is accomplished via the addition of new trees, shrubs, grass and other seed mixes as well as other decorative elements such as accent boulders. Seven large existing trees will be preserved along the west property line. Staff is recommending that the applicants enhance the amount of landscaping along the exterior west wall of the proposed gymnasium. In the (southeast) elevation below, the area staff is requiring additional landscaping is along the brick wall with the cross. The Landscape Plan is attached; however it will need to be modified to meet the conditions of approval.



No new fencing is being proposed for this project. An existing fence around the north and west property lines of the proposed addition will be removed. Staff is not recommending a new fence to replace the old fence. Keeping this area unfenced helps to connect the two church properties and preserves the openness between them.

Trash will be enclosed by a six foot high split face concrete masonry structure and is located on the west property line just north of the proposed gymnasium. The trash enclosure is required to be constructed with steel gates for maintenance purposes.

#### Architecture

The architecture review commission reviewed this application on 2/24/2009. Their only recommendation was that the developers break up the wall on the southeast elevation with the use of different materials, or by bumping the face of the wall containing the cross out four or five inches. Elevations given to staff reflect the city's aspiration for quality architecture throughout the city. Height, bulk, and siting of the structures are in line with city requirements. Materials for the building are CMU split face block on the exterior walls with pre-cast shading binding and smooth standing seam metal for the roof.

#### Lighting

The lighting plan provided is consistent with city requirements for creating appropriate lighting within the development and shielding neighboring properties from light spillover. 15 exterior pole mounted lights are proposed for the west and north sides of the new parking lot of the gymnasium addition. The plans indicate that all pedestrian pathways will be lighted as required by the City. All lighting is required to be full cut off and is not allowed to spill over into adjacent residential parcels. Staff is requiring the addition of one City Standard Street Light located on the frontage of Creek Road adjacent to the project's location.

#### Parking

The applicant is proposing an additional parking lot to the north and west sides of the proposed gymnasium addition. City code requires at least a ten foot buffer between the sidewalk and the parking area. The applicants meet this requirement with a proposed 25 foot wide landscaped buffer. City code also requires that every tenth parking stall be landscaped with at least one tree. Plans indicate over nine proposed landscaped islands, which meet the minimum requirement of six landscaped islands.

Currently there are 130 (six ADA) parking stalls and the applicant is proposing an additional 66 (four ADA) parking stalls. This project meets the I.T.E. parking standards with a total of 196 (10 ADA) parking stalls.

#### Traffic and Traffic Access

There are two full access points already serving this property. The applicant is proposing moving the access point to the west end of the added parcel. This access connects to a driveway that extends along the west side of the proposed gymnasium and then turns west on the northern side. It then connects into the existing northern parking lot and driveway.

A drop off lane is proposed for the driveway that is located north of the existing school. Staff is requiring a concrete walkway that is either stamped or painted to extend from the existing northern parking lot to the existing school. Curb cuts through the existing parking median and the dedication of one parking stall to access the pathway will be required on the north side. On the south side of the pathway an accessible ramp will be required for a sidewalk connection. All elements of this pathway must be shown clearly before final approval.

In order to provide greater safety and connectivity to pedestrians a mid-block crossing with a refuge island connecting the south and north sides of the Creek Road will be required. The City views this crossing as an opportunity to calm traffic on this portion of Creek Road and is willing to participate in the construction of the walkway. To determine the most logical location of this crossing the City Engineer has conducted a crosswalk placement analysis and will present his findings to the planning commission during the work-session.

#### Signage

There are no new signs proposed for this project. The Church currently has a monument sign. There is a proposed cross that will be recessed into the west exterior wall of the proposed gymnasium addition.

#### Zoning

The zoning for the subject property is R-1-8 (Single Family Residential). Section 19.26.030 lists Churches as a conditional use.

#### **Recommendation**

Based upon the information above, staff is recommending that the planning commission approve the conditional use with the following conditions:

#### **Proposed Conditions for the applicant's request for conditional use:**

##### **Planning:**

1. All construction shall take place in accordance with the approved plans for this development. Any changes to the plans will be required to receive the appropriate approvals.
2. All landscaping in the development shall be completed before final certificate of occupancy is granted (19.80.080(G)).
3. All pedestrian walkways shall be lighted (19.80.090(3)).
4. All lights in the development shall be full-cut off (19.80.090(4)).
5. No new tree in the development shall be less than two inch caliper at the time of planting.
6. Before any grading or demolition staff must inspect that trees identified for preservation are clearly marked.
7. Construction for the project shall be limited to the hours between 7:00 AM and 8:00 PM daily to preserve the integrity of the adjacent neighborhoods.
8. Before any building permits shall be approved a construction mitigation plan complete with a SWPPP must be approved by staff.
9. The landscaping must be enhanced on the west side of the proposed gymnasium. This will need to be shown in the plans before final approval.
10. The use of the property be limited to church and school related uses.
11. Street lighting will be provided by the developer along Creek Road, using the City's standard street lights.
12. All trash enclosures are required to be constructed with architecturally compatible materials as the existing structures and must have steel gates for maintenance purposes.
13. All mechanical equipment mounted on the ground or roof must be screened from the public view.
14. The maximum height of all structures be limited to 35 feet, measured from the historical grade. Before any building permit will be issued the developer must submit building elevations with the historical grades clearly and accurately shown.

15. The existing fence located to the west and north of the proposed gymnasium must be removed.
16. The applicant must provide a legal description and an exhibit drawing showing the following:
  - a. The consolidation of existing parcels into one parcel.
  - b. Any dedication of land to Cottonwood Heights City.
17. The Developer shall provide two concrete pedestrian pathways:
  - a. A stamped or painted pathway connecting the northern parking lot to the existing school building. The parking median to the north shall be saw cut and one adjacent parking space shall be dedicated for access. An accessible ramp shall be installed on the southern end of the pathway to connect into the sidewalk system.
  - b. A stamped and painted mid-block crossing with a landscaped refuge island must be installed to connect the south and north sides of Creek Road. The location will be determined by the City Engineer.
18. The developer is responsible to provide the City with a bond cost estimate for all of the following that are stated in Plans and as required by the Planning Commission:
  - a. All sidewalk improvements.
  - b. All required streetlights.
  - c. The required stamped or painted pathway connecting the northern parking lot to the existing school building, required saw cuts, and accessible ramp.
  - d. The required stamped and painted mid-block crossing with a landscaped refuge island to connect the south and north sides of Creek Road.
  - e. All required landscaping and buffering.
  - f. All UFA required knox lock boxes, locking caps, additional fire hydrants with connections and fire lane signage.
  - g. All inlet boxes and catch basins.

#### **Fire Department:**

The fire official has reviewed the plans and has the following comments:

1. There must be a total of three fire hydrants spaced as stated on plans.
2. Fire flow will be determined based on overall building size.
3. If fire area is greater than 20,000 square feet or occupant load is 300 or more, an automatic fire sprinkler system is required.
4. Automatic fire sprinkler plans must be submitted to Boyd Johnson at UFA.
5. The access road must be designed and maintained to support the imposed loads of emergency apparatus. The access road shall have an inside turning radius of 28 feet and a maximum grade of 10%.

#### **ARC:**

1. That the developers break up the wall on the southeast elevation with the use of different materials, or by bumping the face of the wall containing the cross out four or five inches.

#### **Standards of Review for the Application**

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

- 19.26 – R-1-8 Single Family Residential
- 19.80 – Off-street parking requirements

19.82 – Signs  
19.84 – Conditional Uses

**Staff Contact:**

Morgan Brim – Planner

Phone: 944-7065

Fax: 944-7005

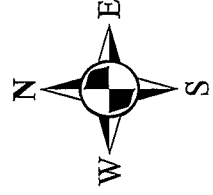
Email: [mbrim@cottonwoodheights.utah.gov](mailto:mbrim@cottonwoodheights.utah.gov)

**List of Attachments:**   **Map of the Property**  
                                  **Site plan**  
                                  **Architectural plans**  
                                  **Landscape plans**

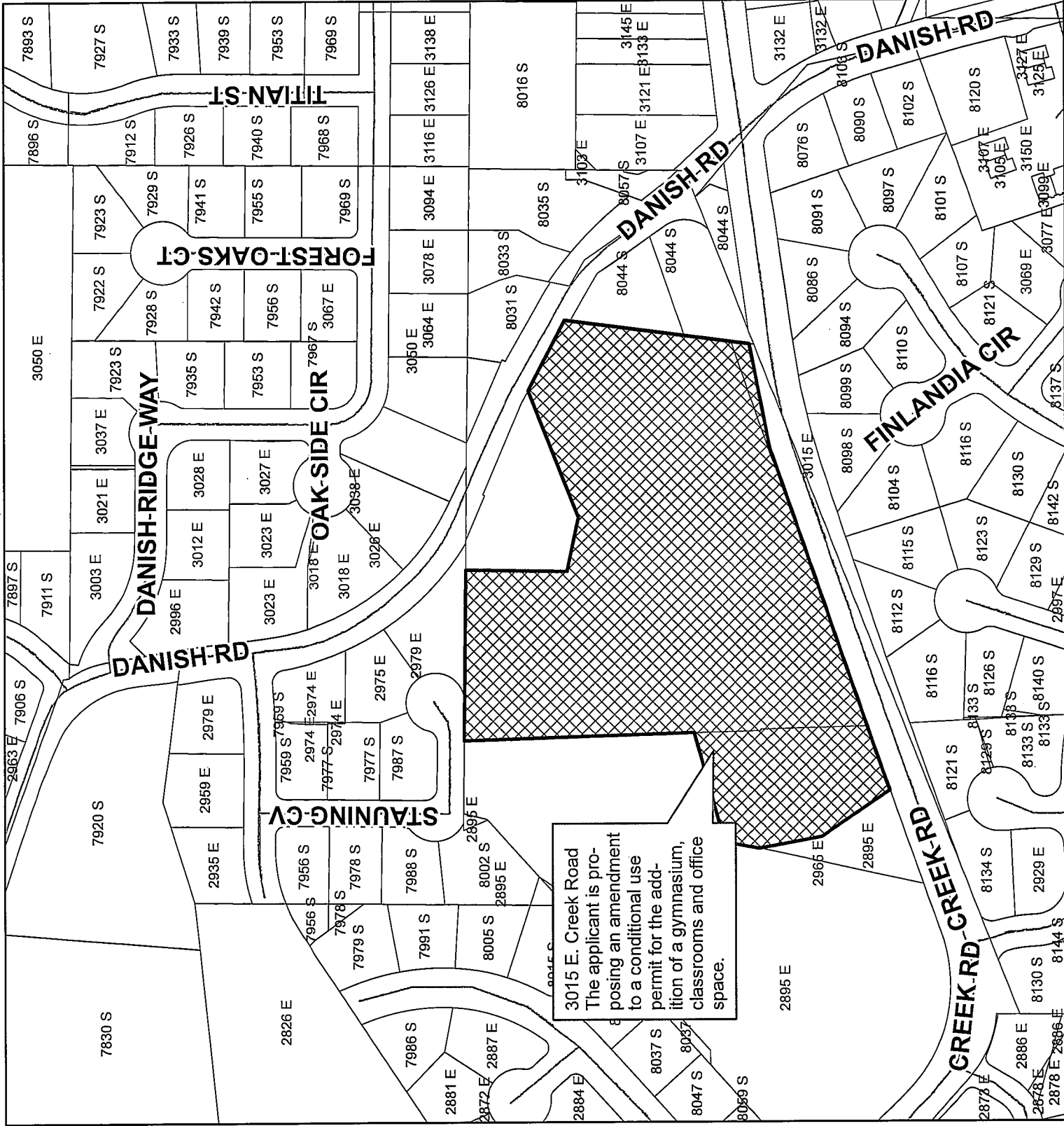


3015 E. Creek Road  
The applicant is proposing an amendment to a conditional use permit for the addition of a gymnasium, classrooms and office space.

City of Cottonwood Heights  
Planning Department  
1265 E. Fort Union Blvd., #250  
Cottonwood Heights, UT 84047  
(801) 944-7065



Published:  
March 02, 2009





COTTONWOOD HEIGHTS  
NOTICE OF PUBLIC HEARING  
ON A PROPOSED CONDITIONAL  
USE AMENDMENT

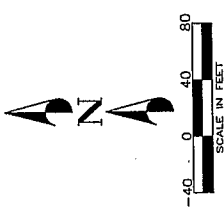
Notice is hereby given that Cottonwood Heights will hold a public hearing before the Planning Commission on March 18, 2009, to receive public comment on a request by David R. Fitzsimmons to amend a conditional use permit for the St. Thomas More Catholic Church located at 3015 E. Creek Road, Cottonwood Heights, Utah. The applicant is proposing to add a gymnasium, classrooms and office space. This property is approximately 7.36 acres in size.

The hearing will be held at Cottonwood Heights City Offices, 1265 East Fort Union Blvd., Suite 300, at 7:00 p.m. or as soon thereafter as the matter can be heard. Inquiries should be directed to Morgan Brim at 944-7065.

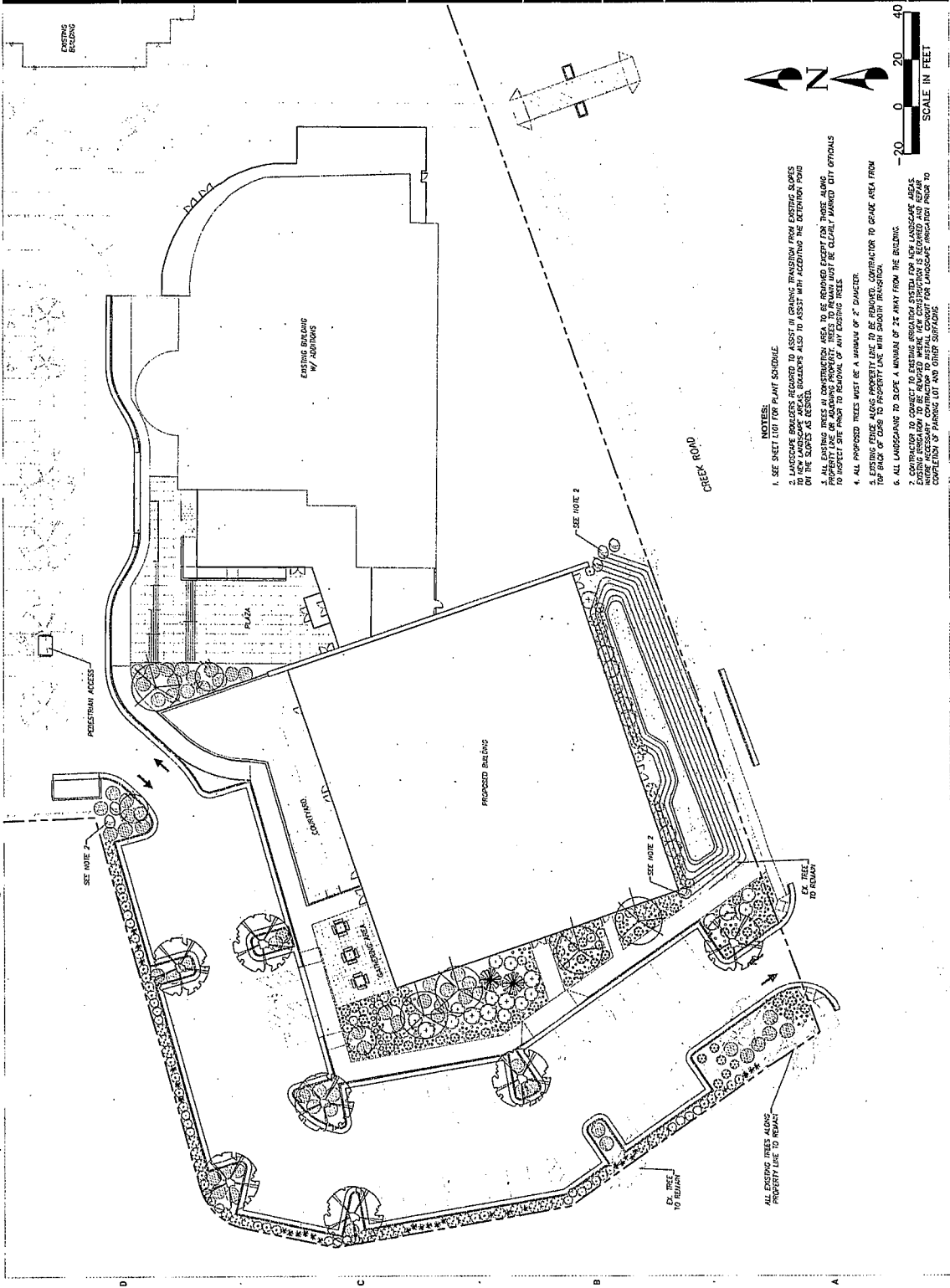
Attest: Linda Dunlavy  
City Recorder











- NOTES:
1. SEE SHEET L101 FOR PLANT SCHEDULE.
  2. EXISTING TREES TO BE REMOVED TO BE REPLACED WITH NEW TREES. NEW TREES TO BE PLANTED IN THE SAME LOCATIONS AS THE EXISTING TREES. NEW TREES TO BE PLANTED IN THE SAME LOCATIONS AS THE EXISTING TREES.
  3. ALL EXISTING TREES IN CONSTRUCTION AREA TO BE REMOVED EXCEPT FOR THOSE ALONG THE PROPERTY LINE TO REMAIN. NEW TREES TO BE PLANTED IN THE SAME LOCATIONS AS THE EXISTING TREES.
  4. ALL PROPOSED TREES MUST BE A MINIMUM OF 2" DIAMETER.
  5. EXISTING TREES TO BE REMOVED MUST BE REPLACED WITH NEW TREES. NEW TREES TO BE PLANTED IN THE SAME LOCATIONS AS THE EXISTING TREES.
  6. ALL LANDSCAPING TO BE DONE BY THE LANDSCAPE CONTRACTOR TO GRADE AREA FROM THE EXISTING GRADE TO THE PROPOSED GRADE.
  7. ALL LANDSCAPING TO BE DONE BY THE LANDSCAPE CONTRACTOR TO GRADE AREA FROM THE EXISTING GRADE TO THE PROPOSED GRADE.
  8. EXISTING TREES TO BE REMOVED MUST BE REPLACED WITH NEW TREES. NEW TREES TO BE PLANTED IN THE SAME LOCATIONS AS THE EXISTING TREES.
  9. ALL LANDSCAPING TO BE DONE BY THE LANDSCAPE CONTRACTOR TO GRADE AREA FROM THE EXISTING GRADE TO THE PROPOSED GRADE.

CLIENT	ST. THOMAS MORE
DESIGNER	ARCHIPEX GROUP
CONSULTANTS	PEPG ENGINEERING, L.L.C.
REGISTRATION	PEPG ENGINEERING, L.L.C.
ISSUE	PEPG ENGINEERING, L.L.C.
MARK: DATE	DESCRIPTION
PROJECT NO:	6500.0810
DRAWN BY:	JCS
CHECKED BY:	JCS
SCALE:	1" = 20'
DATE:	MARCH 3, 2009
KEY PLAN	

SHEET TITLE: LANDSCAPE PLAN

L100

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Cottonwood Heights Planning Department  
1265 East Fort Union Blvd. Ste. 250  
Cottonwood Heights, UT 84047  
Telephone 801-944-7000

## Staff Report

To: Cottonwood Heights Planning Commission

From: Michael Black, City Planning Director

Date: March 13, 2009

Subject: Staff Report on Requested ORD Ordinance Amendment and Incentive Zoning,  
Steve Hopkins, Beckstrand and Assoc., Applicant.

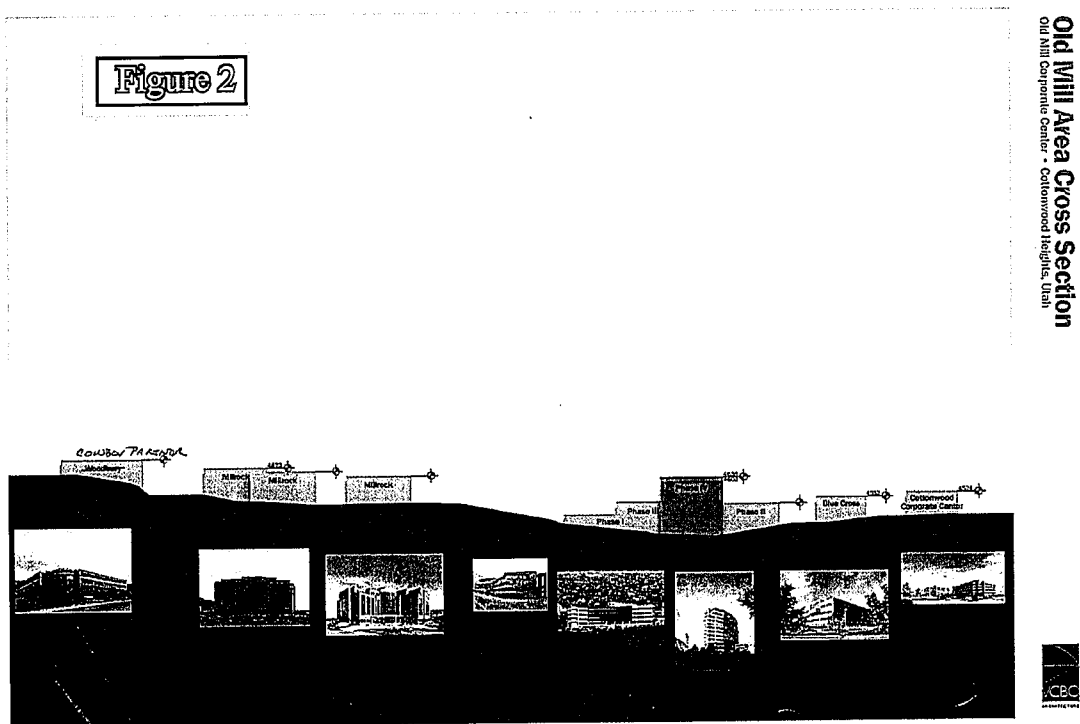
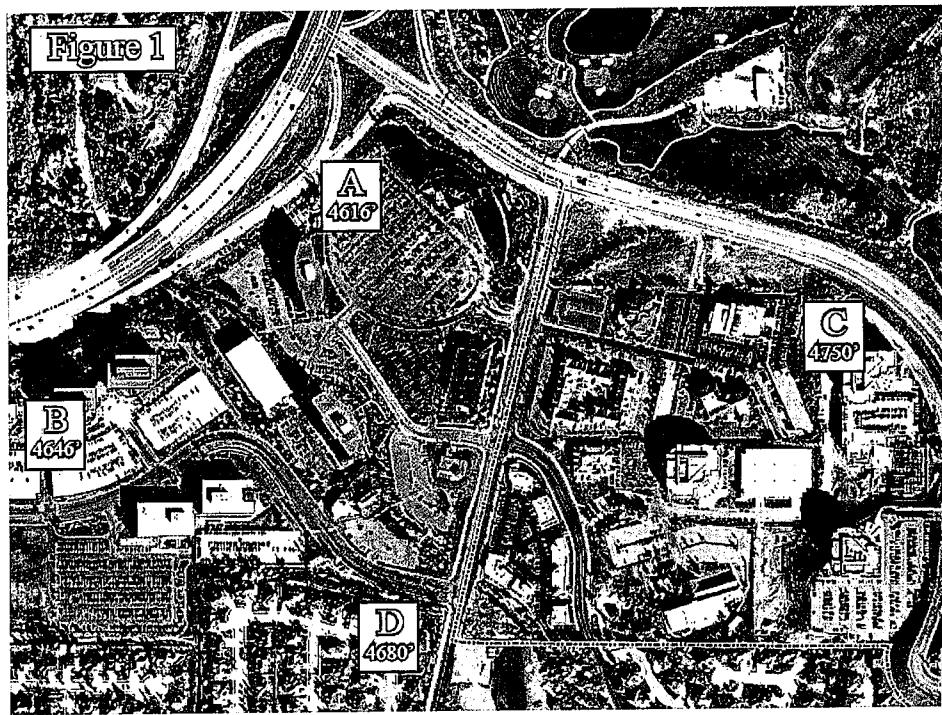
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As you know the owners of the Old Mill Corporate Center represented by Steve Hopkins have made a request to amend the ORD zone to allow a 12 story building at their site. In their presentation last week, you were shown some perspective drawings depicting how a building of this size would look in the place of the already entitled Old Mill IV building. In fact, if this ORD amendment was approved a new 12 story building would take the place of the future Old Mill IV building, which is currently approved for six stories.

Staff has looked at this issue from two perspectives so far: (1) Traffic; and, (2) Aesthetics. Traffic issues are prevalent in the area; the traffic light at 3000 East and 6200 South is a true mess during peak traffic times and the trouble with traffic does not stop there. The traffic issues are also affecting the movement on all of the off ramps for 6200 S. I-215. So there is a traffic problem today and any additional traffic without mitigation would only exacerbate the problem. Lucky for the City and, in this case all of the office parks in the area, we have just received funding through a federal grant to mitigate all of the traffic issues we have today and potentially some of the traffic issues we may have in the future through reconstruction and reconfiguration of the intersections of 3000 East 6200 South and all of the off/on ramps for I-215. You received a presentation last week from the developers engineer that depicted how the changes in the intersection would benefit the area and mitigate the impact of the 12 story building. I will not go further into this matter as we have a city engineer who can discuss these issues and answer questions for you. It appears through my eyes, however, that the traffic issues that were identified as being potential detrimental effects to adding more traffic generating square footage to the Old Mill Corporate Center have been addressed through the reconstruction of the intersections mentioned above.

Regarding the aesthetics of a new 12 story building on the property, I have the following comments. I have seen the perspective drawings, as have you, and can say that the building being proposed is aesthetically pleasing and that it matches the architectural character and quality of the other buildings in the office park. The difference being it is twice the height of any of the other buildings. However, looking at the buildings height from an area perspective, it is not the "highest" building around. The elevation (illustration 1) of the ground at the point of the proposed Old Mill IV is (A) 4,616', at the Cottonwood Corporate Center (B) 4,646', Millrock (C) 4,768' and the closest residential neighbor (D) 4,680'. All of the measurements are to the ground

floor of the locations listed. To see a perspective of building heights, see illustration 2 provided by VCBO Architecture.



It is my opinion that the location of the building being proposed at 12 stories could not be better situated as it is virtually in a hole. The effect of the building would be most felt adjacent to the freeway which is nearly 600' wide at the point where the building would be located. With regard to neighbors, the closest residential neighbor is about .29 miles from the proposed location. The remaining neighbors are either commercial retail, restaurant, hotel, or office.

One of the big questions with this proposed ORD amendment is whether it is for the ORD zone wherever it may be in the city or specific to the Old Mill Corporate Center site. The answer is that it is specific. If it were not specific, none of the arguments that make the change compelling would be legitimate.

The means by which we can regulate this change is the next question. One option would be to create an overlay for the area of the Old Mill Corporate Center to allow for a single 12 story building with most of the same restrictions as the original ORD zone, but potentially with new upgraded requirements that would address the impact of a 12 story building. Another option would be to not specify a height, but go with a floor area ratio (FAR) index. We could add this to the original zone or an overlay and allow for increased FAR as an incentive for providing benefits to the community. I have included information on incentive zoning from a staff report that I first presented in 2005, please take a look at the logic of incentive zoning below. I believe it could work in this situation.

Incentive zoning is the practice by which some cities have controlled developer amenities versus city incentives. A lot of larger cities like Seattle, Bellevue, San Francisco, and Boston, to name a few, have been using codes like these for at least a decade. The premise behind the practice is the trade-off. Cities may be in desperate need of a public facility, and a developer may wish to maximize their floor area in a new development, to satisfy both parties, and a third party: the public, there must be a compromise. With incentive zoning, a city can set a maximum for floor area, building height and so on, and then offer incentives to increase these maximums for a trade of amenities suitable for public facilities.

If the City decides to adopt an incentive zoning system, there are several crucial initial steps:

1. Determine which public goals to promote
2. Adopt public policies to back up the goals in the zoning ordinance
3. Analyze the market and possible impediments to achieving the goals

The majority of bonus alternatives can be grouped into several categories:

1. Building amenities – urban spaces, ground-floor retail, retail arcades, artwork, sculptured rooftops, atriums, daycare;
2. Pedestrian amenities – sidewalk canopies and other overhead weather protection devices, landscaping, multiple entrances;
3. Pedestrian movement – sidewalk widening, and through-block connections;
4. Housing and human services – employment and job training, affordable housing, market-rate housing;
5. Transportation improvements – below grade parking, transit station access, transit station upgrading;
6. Cultural amenities – cinemas, performing arts facilities, art galleries; and

7. Preservation – of historic structures, theatres, and affordable housing stock.

In order to qualify as a suitable exercise of the police power, incentive zoning must promote the public interest. The City should consider creating, easy-to-follow, clear-cut bonus guidelines and criteria to ensure that the individual improvements do, in fact, promote the public good. To be clear, if we do not specify what we need, we will not get it.

The City must identify a list of criteria that will drive incentives. When doing this, it is imperative that we perform a cost/benefit analysis. The analysis would include four distinct variables:

1. Construction cost for providing the bonus amenity;
2. Developer benefit derived from the amenity and from the bonus;
3. Public benefit derived from the amenity; and
4. Any harm incurred by the public as a result of the gain (traffic congestion, loss of light and air, and the like).

The value of the incentive must equal the cost of supplying the desired gain plus a significant increment to encourage the developer to engage in the transaction. Another factor when considering this type of change in zoning ordinances is the state of the real estate market in these key areas. The areas of target is the ORD zone closest to I-215 and Wasatch Blvd.

In order for incentive zoning to work, the City must decide whether the incentives are worth the amenities, and we must identify what is important for the public interest. I have listed a form showing what other cities throughout the country have been doing with incentive zoning. I will point out that the cities shown here are much larger than our city; however, the practice of incentive zoning still works regardless of the city's size. The only factor to adjust, according to size, is the list of amenities versus incentives.

Staff is recommending approval of the change to the ordinance to allow up to 12 story buildings at the Old Mill Corporate Center site. I believe that the aesthetics and traffic have been mitigated; however, since the traffic was mitigated through a federal grant and not by the developer I believe that other public improvements can be attached to the future approval of a taller building. I suggest that we codify incentive zoning for the purpose of providing a trade-off a higher FAR. A few projects that could be considered on their own for an increased FAR in this case are (1) gateway landscaping, street furniture, lighting and signage; (2) increased public facilities for walkers, runners, bikers, strollers and sitters; and, (3) sports facilities for the public on site (soccer, tennis basketball on the roof of the parking structure). I am sure there are other amenities that we can think of as well that would provide a benefit to the public in relationship with this request.

If the PC agrees that the incentive zoning option is best, we would have a process to go through but could have a proposed amendment to the ORD zone in draft ready for your next meeting.



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## Staff Report

To: Cottonwood Heights Planning Commission

From: Michael Black, City Planning Director

Date: March 13, 2009

Subject: Staff Report on a General Plan Amendment to Residential Office for Properties  
Located at 6784 S., 6800 S., 6814 S., 6826 S., and 1993 E. 6850 S.;

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Pursuant to the discussion on the 4<sup>th</sup> of March, 2009 I am preparing a staff report and making a recommendation on a general plan amendment for property located at the above noted addresses. This general plan amendment proposal does not include any property north of La Cresta Drive. Those properties will be discussed at a future meeting when staff has a chance to investigate the potential land uses for those properties as was requested by the planning commission.

Based on the proximity to 2000 East, the number of automobile trips carried by that road and the proximity of these properties to existing commercial properties staff is recommending that the listed properties receive a general plan land use designation change to residential office. In addition, staff is proposing that a code amendment be initiated by the city for properties located within the gateway overlay zone that will encourage the redevelopment of existing residential properties into residential office or neighborhood commercial (as dictated by the general plan) and discourage the redevelopment of these properties without complete reconstruction. Staff proposes to modify the overlay zone to require a minimum of 4,000 square feet of ground floor area for each residential office or other use. In addition staff will investigate other methods for legally requiring the redevelopment of the properties to end the cycle of blight existent in these gateway areas.


I propose to complete these modifications before a zone change is approved for the properties. At this time, there is one property owner who suggests to request a rezone once the general plan land use map is consistent with his vision for the property (a new dentist office). I feel comfortable that I will be able to complete this amendment timely; however, if for some reason the amendment is not finished by the time the zone change is proposed, I would suggest that the zone change either be denied or postponed until the regulatory effects are in place.

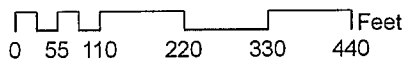
# Highland GP Amendment

Cottonwood Heights Planning  
March 13, 2009



## Legend

 Parcels

 Feet  
0 55 110 220 330 440

